

Message Text

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PAGE 01 BLANTY 00375 121921Z

43

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C O N F I D E N T I A L BLANTYRE 0375

E. O. 11652; GDS

TAGS: SHUM, PFOR, PINS, PINT, PORT, EAID, EFIN, MI

SUBJECT: HUMAN RIGHTS; MALAWI 1976

REF: STATE 45319

1. AS REQUESTED IN REFTEL, SUMMARY OF MALAWI HUMAN RIGHTS REPORT FOLLOWS. FULL REPORT BLANTYRE A-6 WILL BE POUCHED MARCH 17.

2. SUMMARY . THE CONSTITUTION OF THE REPUBLIC OF MALAWI SETS OUT GUARANTEES OF CITIZEN RIGHTS AND FREEDOMS TO BE ENJOYED INCLUDING RECOGNITION OF THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS AS A FOUNDING PRINCIPLE OF THE GOVERNMENT. KEY SECTIONS OF THE LAW OF MALAWI, SPECIFICALLY 14:02 (PUBLIC SECURITY REGULATIONS), 14:06 (FORFEITURE ACT), 15:03(41)(2)(B) (DEPORTATION LAW); AND 21:01 (CENSORSHIP ACT), GRANT MALAWI AUTHORITIES SUCH COMPLETE AND ARBITRARY POWERS TO CIRCUMVENT SUCH CONSTITUTIONAL GUARANTEES, HOWEVER, THAT BASIC HUMAN RIGHTS ARE OBSERVED ERRATICALLY AND AT THE WILL OF THE PRESIDENT AND HIERARCHY OF THE MALAWI CONGRESS PARTY.

3. IN PRACTICE* THROUGH RIGOROUS APPLICATION OF THE PUBLIC SECURITY REGULATIONS AND THE IGNORING OF EVEN THE FEW CONSTITUTIONAL SAFEGUARDS CONTAINED THEREIN, THERE HAS EMERGED IN MALAWI A CONSISTENT PATTERN OF VIOLATIONS OF INTERNATIONAL LAW
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PAGE 02 BLANTY 00375 121921Z

RECOGNIZED HUMAN RIGHTS. THESE VIOLATIONS STEM FROM THE MALAWI

GOVERNMENT AND THE MALAWI CONGRESS PARTY AND INCLUDE ARBITRARY
ARREST, DETENTION AND DEPORTATION,-BY-PASSING OF NORMALLY
RECOGNIZED LEGAL PROCESSES AND RESTRICTIONS ON MOVEMENT AND
EXPRESSION. DETENTION WITHOUT TRIAL OR FORMAL CHARGES REMAINS
THE GROSSEST, MOST DELIBERATE AND EFFECTIVE MEANS THE GOVERN-
MENT OF MALAWI USES TO COMBAT "SUBVERSION" ESPECIALLY IN THE
CASE OF CIVIL SERVANTS AND UNIVERSITY STAFF AND STUDENTS
OVER THE LAST YEAR.
STEVENSON

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